

## State Reentry Council Collaborative Legislative Recommendations 2019 Legislative Priorities

The proposed legislative changes identified below were developed by the State Reentry Council Collaborative (SRCC), a group created by the NC General Assembly in 2017 to improve outcomes for formerly incarcerated people. These recommendations are the result of research and collaboration among SRCC members and other stakeholders regarding post-incarceration transition services, resources, and barriers.

1. As noted below, there are two parts to this recommendation – a and b.
  - a. Strike language in SL 2010-31, SB 897 §8.3.(a) as indicated below to remove the unnecessary prohibition on use of state funds for community college courses in State prisons. Such coursework could be used in pursuit of Associate of Arts, Associate of Science, and Associate of General Education degrees.

SESSION LAW 2010-31

SENATE BILL 897:

SECTION 8.3.(a) Funds appropriated for community college courses for prison inmates shall be used only for inmates in State prisons. The first priority for the use of these funds shall be to restore the FTE for basic skills courses to the FY 2008-2009 level. Funds not needed for this purpose may be used for continuing education and curriculum courses related to job skills training. ~~These funds shall not be used for Associate of Arts, Associate of Science, or Associate of General Education degrees.~~

- b. To accomplish a. above, appropriate additional funding to NCDPS for post-secondary opportunities in state prisons.
2. Amend expunction eligibility and procedures and provide funding to automatically expunge convictions that will be treated as juvenile offenses under the Juvenile Justice Reinvestment Act beginning December 1, 2019.
3. Expand expunction and certificate of relief (COR) eligibility and provide funding to allow for greater and more immediate access to relief for people exiting NC Department of Public Safety (NCDPS) supervision by amending:
  - a. GS §15A-145.5 (Expunction of certain misdemeanors and felonies; no age limitation) to exclude up to three Class 2 misdemeanors and all Class 3 misdemeanors as disqualifying convictions.
  - b. GS §15A-146 (Expunction of records when charges are dismissed or there are findings of not guilty) to provide for automatic expunction of certain dismissed charges and not guilty dispositions.
  - c. GS §15A-173.1 (Certificate of Relief) to eliminate the 12-month waiting period after a sentence is completed for eligible persons. A person is eligible if, while completing the prison sentence for the offense that is the subject of the COR, he or she had a sufficient

period of good behavior or completed a program to further their education, develop vocational skills, or to address substance misuse or mental illness.

4. Amend Section 24.1 of Chapter 20 of the North Carolina General Statutes to
  - a. require a pre-deprivation determination of a defendant's ability to pay before suspending the person's driver's license for failure to pay, and
  - b. provide for automatic restoration of a driver's license after a 12-month suspension for failure to pay.
5. Establish an automated process for resolving minor pending charges and unpaid fines and fees for persons serving more than 6 months active time.

#### **Other State Reentry Council Collaborative Legislative Recommendations**

1. Protect people from having to pay for removal of their mugshot information by amending:
  - a. GS §75 to prohibit the use of mugshots for commercial purposes, including charging for removal of mugshots;
  - b. GS §15A-152 to impose a civil penalty on entities that disseminate mugshots for expunged charges.
2. Establish a group of legislators and other stakeholders to study community-based sentencing alternatives for people who have been convicted of non-violent crimes and who are the primary caretakers of their dependent children.
3. Require licensing boards and agencies to clearly define ambiguous terms such as "good moral character" and "moral turpitude" within occupational licensing and certification standards.
4. Establish fee waivers for driver's licenses, duplicate driver's licenses, learner's permits, special identification cards, and birth certificates for individuals within 6 months of release from NCDPS custody.
5. Appropriate additional funding to Local Reentry Councils (LRCs) to fund housing support specialist and peer support counselor positions, rental assistance programs, and transportation assistance programs.